

JUN 17 2002

Atty. Docket No: 71278/264974/BET

In re patent application of

CHOO, YEN et al.

Serial No. 09/424,482

Filed: February 29, 2000

For: NUCLEIC ACID BINDING POLYPEPTIDE LIBRARY

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

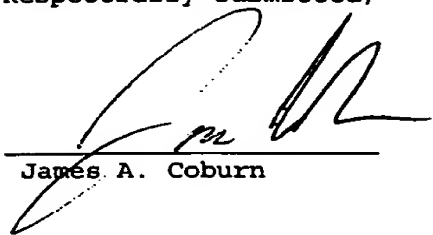
1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

Serial No. 09/424,482

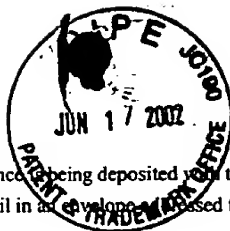
States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Sept. 28, 2001
Date


James A. Coburn

HARBOR CONSULTING
Intellectual Property Services
1500A Lafayette Road
Suite 262
Portsmouth, N.H.
800-318-3021



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

On June 6, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Paula Paul & Harley

PATENT
Attorney Docket No.: 019496-006210US
Client Ref. No.: 131US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Choo et al.

Application No.: 09/424,482

Filed: February 29, 2000

For: NUCLEIC ACID BINDING
POLYPEPTIDE LIBRARY

Examiner: T. Bhatti

Art Unit: 1627

COMMUNICATION

#24
51998
6-3002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

As stated by the Examiner in her phone message of June 4, 2002, the Office communication mailed May 6, 2002 was sent in error. The incomplete requirements noted, i.e. revision of Figure 2 to comply with sequence rules, and supplying CRF and paper copies of the sequence listing, had been previously fulfilled by preliminary amendments submitted October 12, 2001, and February 28, 2002.

As requested by the Examiner in her phone message, Applicants enclose herewith copies of documents previously submitted February 28, 2002, in order to comply with Requirements For Patent Applications Containing Nucleotide Sequence And/or Amino Acid Sequence Disclosures. The materials enclosed are:

1. Preliminary amendment submitted February 28, 2002;

Mark Choo et al.
Application No.: 09/424,482
Page 2

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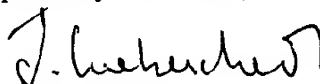
2. Transmittal form dated February 28, 2002;
3. Postcard receipt for materials mailed February 28, 2002, stamped with dates March 6, 2002, and April 1, 2002, and returned by USPTO;
4. Office communication mailed January 29, 2001 including Notice To Comply With Requirements For patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The preliminary amendment mailed February 28, 2002, also included copies of the following documents filed October 12, 2001 to fulfill sequence listing requirements for the instant application. These documents are also enclosed:

1. Preliminary amendment submitted October 12, 2001;
2. Substitute sequence listing containing 114 sequences;
3. Statement to Support Filing and Submission in Accordance with 37 C.F.R. §1.821-1.825;
4. Receipt from PTO for these materials dated October 12, 2001.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JOL:adm
PA 3227537 v1



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UNITED STATES PATENT AND TRADEMARK OFFICE

Mailing Date: February 28, 2002 Via First Class Mail
Application of: Choo et al.
Title: Nucleic Acid Binding Polypeptide Library
Serial No.: 09/424,482

Filed: February 29, 2000

Please stamp the date of receipt of the enclosed documents and return this card to addressee:

Transmittal form (1 p.);
Copy of Notice to Comply with Requirements for Applications w/ Sequence Disclosures (3 p.);
Amendment (10 pp.);
Copy of previously filed Sequence Listing (46 pp.);
CRF of Sequence List; and
Return Postcard

File No. 019496-0006210US
PA 3202953 v1

APR 01 2002
Atty/Secty: JOL/pfh



Please type a plus sign (+) inside this box ☐

PTO/SB/21 (08-00)

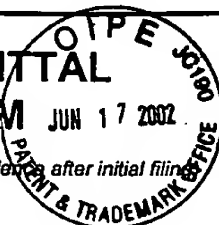
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)



Application Number	09/424,482
Filing Date	February 29, 2000
First Named Inventor	CHOO, Yen
Group Art Unit	1627
Examiner Name	Bhatti, Tahira H.
Attorney Docket Number	019496-006210US

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JUN 21 2002

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Total Number of Pages in This Submission

57

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Return Postcard

Amendment (10 pp.)

Copy of Notice to Comply with Requirements

Copy of previously submitted Sequence Listing (46 pp.).

CRF Sequence List

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name

Townsend and Townsend and Crew LLP

Joe Liebeschuetz

Reg. No. 37,505

Signature

Joe Liebeschuetz

Date

February 28, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

February 28, 2002

Typed or printed name

Paula Faulk Hurley

Signature

Paula Faulk Hurley

Date

February 28, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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RECEIPT FROM PTO FOR INDICATED ITEMS

(Do NOT Use for New or Continuing Applications of Any Kind)
Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

Appln. No: 09/424,482	Atty: Blair E. Taylor
First Inventor: CHOO	Date: October 12, 2001
	Matter No: 264974
	Client No: 71278

ENCLOSED:

- ☒ Response/Amendment ☒ Appendix ☒ Cover Sheet ☐ Cited/Listed Documents
☐ Completion Request for R 53(f)/PCT Nat.

No. of Pages Abstract

No. of Pages Spec and Claims

No. of Numbered Claims Only

No. of Sheets of Drawings (Figs



☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter

☐ Declaration ☐ # of pages

☐ Assignment ☐ Cover Sheet

☐ Small Entity Declaration

☐ Extension Petition (PAT-111)

☐ No. of Priority Documents

☐ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA

☐ PTO-1449 ☐ Cited Documents

☐ Issue Fee Transmittal Form PTOL-85(b) + (c)

\$ 460.00

Fee (Check)

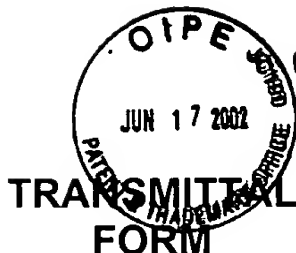
OTHER:

LETTER TO THE OFFICIAL DRAFTSPERSON; STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE WITH 37 CFR § 1.821-1.825 (WITH PAPER AND CRF SEQUENCE LISTING); AND PETITION FOR REFUND OF FEES UNDER 37 CFR § 1.182

Current DUE DATE:

October 21, 2001

(Submit Single Copy Only)



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

PTO/SB/21 (08-00)
Please type a plus sign (+) inside this box ☒

Application Number	09/424,482
Filing Date	February 29, 2000
First Named Inventor	CHOO, Yen
Group Art Unit	1627
Examiner Name	Wessendorf, T.
Attorney Docket Number	019496-006210US

Total Number of Pages in This Submission

64

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
Return Postcard Communication Copies of:
 1. Preliminary amendment submitted February 28, 2002;
 2. Transmittal form dated February 28, 2002;
 3. Postcard receipt for materials mailed February 28, 2002, stamped with dates March 6, 2002 and returned by USPTO;
 4. Office communication mailed January 29, 2001 including Notice To Comply...
 5. Preliminary amendment submitted October 12, 2001;
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 8. Receipt from PTO for these materials dated October 12, 2001.

- ☐ Certified Copy of Priority Document(s)

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Joe Liebeschuetz	Reg. No. 37,505
Signature		
Date	June 6, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

June 6, 2002

Typed or printed name Paula Faulk Hurley

Signature

Date

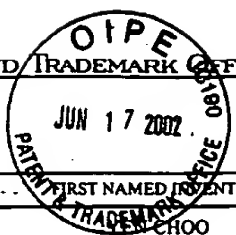
June 6, 2002

1627
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/424,482	02/29/2000	CHOO	PM264974	8038

909 7590 01/29/2002
PILLSBURY WINTHROP LLP
1600 TYSONS BOULEVARD
MCLEAN, VA 22102

EXAMINER

BHATTI, TAHIRA H

ART UNIT	PAPER NUMBER
----------	--------------

1627

DATE MAILED: 01/29/2002

Transferred Out

Please find below and/or attached an Office communication concerning this application or proceeding.

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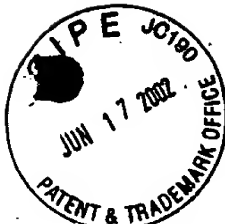
RECEIVED
PILLSBURY WINTHROP LLP/VA

FEB 04 2002

CL _____ MT# _____
ATTY(S) _____
DUE: _____
DKT BY (1) _____ (2) _____

019496-006210

Docket 3-1-02
PPA



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09424482	2/29/2000	Yen Choo	

EXAMINER	
Tahira Bhatti	
ART UNIT	PAPER NUMBER
1627	19

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

The communication filed on 3/30/01. is not fully responsive to the communication mailed 6/20/01.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Tahir Bhatti whose telephone number is (703) 605-1203. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jyothsna Venkat, can be reached at (703)308-2439. The fax number for this group is (703)305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)308-0196.

PADMASHRI PONNALURI
PRIMARY EXAMINER

for SPE

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Application No.: 09/424

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The applicant has not fully complied with sequence listing rules, which requires the use of SEQ ID NO. See for e.g. claim 20 and page 18 of the specification do not comply with the sequence rules as required by 37 CRF 1.82 (d).

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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